

REMARKS

Claims 1-4, 6-10, 12-14 and 21-26 are pending in the Application and are now presented for examination. Claims 1 and 7 have been amended. Claims 5, 11, and 15-20 have been cancelled, without prejudice and without disclaimer of subject matter. Claims 21-26 have been added. No new matter has been added.

Claims 1, 7 and 21 are independent.

Allowable Subject Matter

As an initial matter, Applicants thank the Examiner for the indication on page 3 of the Office Action that Claims 5 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, independent Claim 1 has been amended to include the features of allowable Claim 5 and independent Claim 7 has been amended to include the features of allowable Claim 11. Hence, independent Claims 1 and 7 are now believed allowable.

Claims 2-4, 6, and 13-14 are allowable, at least by virtue of their dependency from allowable Claim 1. Claims 8-10 and 12 are allowable, at least by virtue of their dependency from allowable Claim 7. Further, the dependent claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claim Rejections – 35 U.S.C. §103

On page 3 of the Office Action, Claims 1-4, 7-10, 15, 16, 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,883,894 to Patel *et al.* (“Patel”) in view of U.S. Patent Publication No. 2003/0174726 to Dove (“Dove”). Applicants note that Claims 2 and 8 are not recited as being rejected in the first line of paragraph 5 of the Office Action but are discussed as rejected in the body of that same paragraph. Applicants therefore assume that Claims 2 and 8 are rejected and address them as such herein. Claims 15, 16, 19, and 20 have been cancelled without prejudice or disclaimer of subject matter. Independent Claims 1 and 7 have been placed in condition for allowance by the inclusion of allowable Claims 5 and 11, as discussed above. Dependent Claims 2-4 and 8-10 are allowable at least by virtue of their dependency from a claim that is allowable for the reasons stated above.

On page 8 of the Office Action, Claims 6 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Patel in view of Dove and further in view of U.S. Patent No. 7,000,052 to Moon *et al.* (“Moon”). These claims are allowable at least by virtue of their dependency from a claim that is allowable for the reasons stated above.

On page 9 of the Office Action, Claims 13, 14, 17 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Patel in view of Dove and further in view of U.S. Patent No. 7,043,569 to Chou *et al.* (“Chou”) and Moon. Claims 17 and 18 have been cancelled without prejudice or disclaimer of subject matter. Claims 13 and 14 are allowable at least by virtue of their dependency from a claim that is allowable for the reasons stated above.

New Claims 21-26

New independent Claim 21 recites that “the determined interface personality [defines] signal levels for communications with the module.” This feature is not disclosed by the cited art. The Office Action relies on Patel, col. 1, ll. 40-44, as disclosing this element. However, Patel only discloses that a configuration can be adapted to Ethernet protocols having different signal *rates*, rather than different signal *levels*. Hence, Claim 21 is allowable for at least this reason.

New dependent Claims 22-25 are allowable, at least by virtue of their dependency from Claim 21. Further these claims recite additional elements not disclosed or suggested by the cited references. For example, the cited references fail to teach or suggest that “the interface personality is based on a time of day,” and in Claim 22, or that “the interface personality is based on a traffic load,” as in Claim 23. Nor do the cited references teach or suggest that “when negotiation fails, allowing a set of data path pins to float,” as in Claim 24. Nor do the cited references teach or suggest that “when negotiation fails, removing the module from service,” as in Claim 25. Nor do the cited references teach or suggest that “negotiating comprises pin mapping,” as in Claim 26. For at least these additional reasons, Claims 22-26 are allowable.

For all of the above reasons, the claim rejections are believed to have been overcome placing the pending claims in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

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The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Respectfully submitted,

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By: /Alan M. Weisberg/

Alan M. Weisberg
Reg. No.: 43,982
Attorney for Applicants
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
Customer No. 31292
Tel: (954) 828-1488
Fax: (954) 828-9122
email: ptomail@cwiplaw.com

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